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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,504	03/20/2007	Hughes Fanielle	OT-5270	3553
7590 Lisa A. Bongiovi Otis Elevator Company 10 Farm Springs Farmington, CT 06032				
EXAMINER				
PICO, ERIC E				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
09/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,504

Applicant(s)

FANIELLE ET AL.

Examiner

ERIC PICO

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 1 and 4-8** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Asaeda et al. JP Publication No. 2000-034072.

3. **Regarding claim 1**, Asaeda et al. discloses a method for mounting a car drive machine to a structure in a hoistway, the method comprising:

4. positioning the drive machine 5 on a support 9 on a top of an elevator car 7;
wherein the vertical height of the support relative to the top of the elevator car is substantially fixed;

5. lifting the elevator car 7 until the drive machine 5 is slightly above the structure 6;

6. moving the support 9 with the drive machine 5 so as to position the machine 5 immediately above a fixing position;

7. lowering the elevator car 7 so as to place and fix the drive machine 5 on the structure 6; and

8. moving the support 9 so as to free the support 9 from the drive machine 5.

9. **Regarding claim 4**, Asaeda et al. discloses wherein the support 9 is fixed to a rigid element of the elevator car 7.

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10. **Regarding claim 5**, Asaeda et al. discloses wherein the lifting of the elevator car 7 is performed by an auxiliary lifting device 11, the auxiliary lifting device is a man-lift winching gear connected between the elevator car 7 and a hoistway ceiling, shown in Figures 7 and 8.

11. **Regarding claim 6**, Asaeda et al. discloses fixing the drive machine 5 directly to a rail 3.

12. **Regarding claim 7**, Asaeda et al. discloses fixing the drive machine 5 onto a support frame 6 fixed to a top of a rails 3.

13. **Regarding claim 8**, Asaeda et al. discloses securing the drive machine to the support frame 6.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claim(s) 3** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Asaeda et al. JP Publication No. 2000-034072 in view of Wittek U.S. Patent No. 3357582.

16. **Regarding claim 3**, Asaeda et al. discloses wherein the support 9 is a table or frame provided with a plate.

17. Asaeda et al. is silent concerning the plate being mounted sliding transversally on the table or frame.
18. Wittek teaches a plate 14 being mounted sliding transversally on a table or frame.
19. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the plate disclosed by Asaeda et al. sliding transversally on the table or frame as taught by Wittek to facilitate the handling of the drive machine.

Response to Arguments

20. Applicant's arguments filed 06/18/2008 have been fully considered but they are not persuasive.
21. In response to applicant's argument "that the plate-like element 9 (i.e., "support") in Asaeda is never freed from the drive machine 5 after the drive machine 5 is installed on the beam-like element 6 (i.e., "structure") Asaeda et al. discloses a transportation device equipped on deck part 9 to move the support so as to free the support from the drive machine, Paragraph [0023] of machine translation.
22. In response to applicant's argument that Wittek U.S. Patent No. 3357582 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443

(Fed. Cir. 1992). In this case, Wittek is reasonably pertinent to the particular problem of transporting the drive machine from the support to another structure.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654